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Northwest Territories Legislative Assembly

Standing Committee on Rules and Procedures

Report on the Review of Rule 70 of the Rules of the Legisaltive Assembly

Chair: Mr. Brendan Bell

Northwest Territories Legislative Assembly
Standing Committee on Rules and Procedures

105-00368/

JUN 12 2003

THE HONOURABLE ANTHONY (TONY) WHITFORD, MLA
SPEAKER OF THE LEGISLATIVE ASSEMBLY

Mr. Speaker:

Your Standing Committee on Rules and Procedures has the honor of presenting its report on the Review of Rule 70 of the Rules of the Legislative Assembly and commends it to the House.

Brendan Bell
Chairperson

Attachment

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Report on the Review of Rule 70 of the Rules of the Legislative Assembly

On October 29, 2001, the Speaker directed the Standing Committee on Rules and Procedures to conduct a review of Rule 70 of the Rules of the Legislative Assembly. It was felt that there may arise some procedural difficulties, particularly with the provisions respecting the 120 day rule for Standing Committee review of Bills.

In essence the rule now states that a Standing Committee has 120 days to review a Bill from the day it is referred to the Committee until the day it must be reported back to the House. The rule further implies that if a Committee has not reported a Bill within this timeframe, the sponsor of the Bill is permitted to proceed with the Bill in the Assembly.

Complicating matters somewhat is the occurrence quite often of Standing Committees' reviews of Bills often taking longer than 120 days due to the size, scope and impact of the Bill, or the length of time between sittings of the Assembly. In all cases the implicit concurrence of the Bills' sponsor – almost always the government – not to proceed with the Bill in the absence of a Committee report has been obtained. On two occasions this concurrence has been obtained in writing, while all others have been an implied mutual agreement.

Notwithstanding the foregoing, the potential difficulty would arise under the present wording of Rule 70 if a Bill's sponsor insisted on proceeding in the House with a Bill that had not been reported from Committee and the 120 day period had lapsed. The problem would stem from the lack of a mechanism to return the Bill to the House by way of placing it in some fashion on the Order Paper, most likely in Committee of the Whole.

During the Standing Committee on Rules and Procedures consideration of the issue on December 9, 2002 and April 17, 2003, a number of options were discussed.

Having the Bill automatically appear on the Order Paper in Committee of the Whole 120 days after Second Reading was deemed to be undesirable in that it did not take into account those numerous instances where the Standing Committee's review may be lengthy due to the complexity or nature of the Bill and its impacts. In addition, there are occasions that the length of time between sittings of the House – from the spring to the fall for example - is such that reporting within 120 days is not possible. This remedy would also preclude the continuation of the long-standing parliamentary convention of allowing Bills to "die in Committee".

The option of returning the Bill to the House by order of the Speaker was not a preferred option because of the impartiality of the Speaker's position, and the fact that the Speaker would theoretically, and as a rule of procedure, possess no direct knowledge of the Committee's activities or the wishes of the Bill's sponsor in order to be able to ascertain whether a particular Bill should be returned.

In considering the matter, the Rules Committee decided that a mechanism was required to advise the House, and the Speaker, that a Bill had not been reported within the required timeframe and that the Bill's sponsor wished to proceed with the Bill in the House. It was decided that this mechanism be incorporated into Rule 70 and be termed "Notice of Intent".

This "Notice of Intent" to proceed with a Bill not reported would be given to the House by the Bill's sponsor under the item "Ministers' Statements" on the order paper if it is a government Bill, or under "Members' Statements" if it is a Private Member's public Bill. The mechanism would then provide that on the third sitting day following receipt of a "Notice of Intent" by the House, the Speaker would place the Bill on the order paper in Committee of the Whole.

In addition, the Committee also feels it is necessary to provide a more formal avenue under the Rules for a Standing or Special Committee to secure an extension to the 120 day Rule if it wishes to do so. The Rules Committee proposes that this be facilitated by an amendment to Rule 70, which would state that an extension may be requested by motion in the Legislative Assembly under the item, "Reports of Committees on the Review of Bills".

The Standing Committee on Rules and Procedures is of the opinion that this course of action takes into account the interests of all parties and provides an effective and efficient remedy to the issues, and hereby recommends it to the House.